



One Hundred First Legislature - Second Session - 2010
Introducer's Statement of Intent
LB 843

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: February 4, 2010

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 843 amends the 1st and 2nd degree Arson Statutes (§ 28-502 & 28-503) to encompass the damage of the *contents* of a building to achieve a more uniform application of the arson statutes.

Currently Nebraska's 1st and 2nd degree arson statutes cover intentionally damaging a building. There are situations where the inside or contents of a building are on fire (furniture, carpet, curtains, etc.) and the building itself is not yet damaged because our firefighters extinguish the fire before it can ignite the building/structure itself. Therefore, in these house fire calls, firefighters respond and put the blaze out, and in doing so they prevent fire damage to the house structure (i.e. the building). However, the inside of the house, meaning only its contents, is damaged by fire. In some of these cases, this situation has been determined to fall under the current 1st or 2nd degree arsons statutes but in other cases it has been determined that these statutes did not apply because only the contents of a building have been damaged.

Additionally, the same or similar language is used in several other State's arson statutes to cover the damage of a building or the contents thereof (i.e. personal property). Of 24 States analyzed, four states have the "contents thereof" language and another 13 States have language in their 1st or 2nd degree arson statutes which includes damage to personal property within the building.

The amendments offered under LB 843 would read "intentionally damages a building **or the contents thereof**". This achieves the goal of applying these arson statutes uniformly and prevents arsonists from benefiting from the quick work of firefighters in extinguishing a blaze before it ignites the structure itself.

Principal Introducer:

Senator Scott Lautenbaugh